

FILED**UNITED STATES DISTRICT COURT**

for the

Western District of Texas

NOV 2 2017

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY K. R. V.
DEPUTY

United States of America)

v.)

Gaspar, RODRIGUEZ-Garcia)
XXXX XXX 676)
)
)
)
)

Case No. SA: 17-MJ-1261

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 2, 2017 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section*

8 U.S.C. § 1326(a) & (b)(1)

Offense Description

Being an alien, was found in the United States having been denied admission, excluded, deported, and removed therefrom on or about July 27, 2010, and that the defendant had not received the consent of the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4), and 557) to reapply for admission to the United States, being voluntarily in the United States unlawfully.

This criminal complaint is based on these facts:

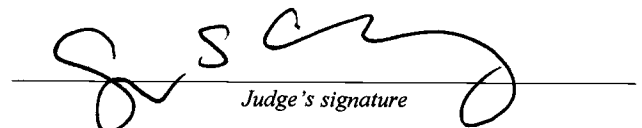
SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.*Complainant's signature*

Bart Pawlak, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: November 2, 2017*Judge's signature*City and state: San Antonio, Texas

Honorable Elizabeth S. Chestney, U.S. Magistrate Judge

Printed name and title

Maximum Penalties:

10 years confinement, \$250,000 Fine or Both; 3 years supervised release, \$100 mandatory special assessment

AFFIDAVIT

Being duly sworn, I declare that the following is true and correct to the best of my knowledge.

My name is Bart Pawlak and I am a Deportation Officer with Immigration and Customs Enforcement and I have been so employed since June, 2002. I am authorized by the United States Department of Homeland Security to enforce the Immigration Laws and Regulations of the United States or any other Laws or Regulations designated by the Attorney General or his successor, the Secretary of the Department of Homeland Security.

Gaspar RODRIGUEZ-Garcia (RODRIGUEZ), was referred to the ICE office in San Antonio, TX, by the Texas Department of Public Safety who encountered RODRIGUEZ during a routine traffic stop in San Antonio, TX.

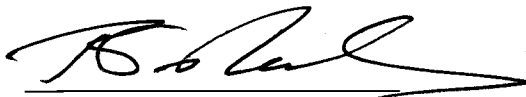
On November 2, 2017, after probable cause was established that RODRIGUEZ was an alien previously removed from the United States and present without authorization, ICE officers arrested RODRIGUEZ outside his residence located at 6060 W. Commerce Street in San Antonio, TX. RODRIGUEZ was advised about his Miranda Rights and transported to the San Antonio ICE office for processing.

Upon arrival at the ICE office, RODRIGUEZ's fingerprints were submitted through the Immigration and FBI databases which verified his identity. The databases also revealed that RODRIGUEZ was a citizen or national of Mexico with assigned Alien Registration Number AXXX XXX 676. A review of the Alien Registration File for AXXX XXX 676, indicated that RODRIGUEZ was an alien previously removed from the United States to Mexico on or about July 27, 2010.

Immigration databases also revealed that RODRIGUEZ has not been granted permission to reapply for admission from the Attorney General of the United States, or his successor, after deportation/removal.


The defendant was advised about his right to a consular notification and the Consulate of Mexico was notified about RODRIGUEZ's arrest on November 2, 2017.

On September 23, 2009, in the United States District Court in San Antonio, TX, RODRIGUEZ was convicted of Illegal Re-entry in violation of 8 USC §1326 and sentenced to a term of Time Served.



Bart Pawlak
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn before me the 2nd day of November, 2017.


United States Magistrate Judge
Honorable Elizabeth S. Chestney